



MAPBD WATCHDOG

Michigan Association for Pure Bred Dogs Legislative Alert

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HB 4898

DESCRIPTION: **HB 4898** would significantly amend 1969 PA 287 Pet Shop, Dog Pounds, and Animal Shelter Act which is "an act to regulate pet shops, animal control shelters, and animal protection shelters; and to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties, civil fines and provide remedies."

MAPBD POSITION: As written, **MAPBD OPPOSES HB 4898**. The change that reference kennels is not a part of this law and likewise should not be a part of this bill.

DISCUSSION: **THE SCOPE OF THE BILL EXCEEDS THE TITLE OBJECT OF THE LAW**

The bills do not follow Michigan constitutional guidelines:

- ✧ Article IV, Section 24. "No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either houses so as to change its original purpose as determined by its total content and not alone by its title."
- ✧ The title object, and content, of the law is to regulate pet shops, animal control shelters and animal protection shelters. Redefining the term kennel exceeds the title object, and content, of the law.

The bills are unnecessary:

- ✧ The term kennel already exists under law. The bills seek to redefine the term kennel to "Large-scale dog breeding kennel". The term kennel is already specifically defined in MCL 287.270-the Dog Law of 1919, as amended, in terms of size of the kennel, purpose of the kennel and the profit/remunerative (business) nature of the kennel.
- ✧ The guidelines to regulate kennels already exists. The bills place another set of regulations on kennels where the standard of care already exists under the Michigan Administrative Code. Dog kennels are already regulated by the Michigan Department of Agriculture and Rural Development (MDARD), R 285.129.1 and 2 of the Michigan Administrative Code, commonly referred to as Regulation 129. Dog Kennels.
- ✧ The bills allow MDARD to change the administrative rule without any legislative oversight. Passage of the bills would be without knowing the ultimate impact of the bills on the dedicated dog owner.

The bills will not be effective:

- ✧ The regulatory authority and procedure to investigate/inspect kennels has long been in place and would not change. More than twenty years ago MDARD gave the regulatory responsibility (licensing and inspection) to the counties that have, essentially an animal control officer or animal control agency. If the county does not have animal control then under Regulation 129 "such inspection shall be made on behalf of the commissioner of agriculture by the sheriff or chief of police."
- ✧ MDARD does not have the financial resources to reacquire the responsibility of kennel enforcement.
- ✧ The illegal, substandard facilities targeted by these bills are already in violation of state and local law. They will continue to operate in violation of state and local law.
- ✧ A consequence of the passage of these bills would be to penalize those kennels already operating within state and local laws by imposing excessive record keeping and onerous requirements. The bill/law mandates that kennels, as defined in the bill, must comply with regulations in Michigan Administrative Code 151. Reg. 151 is only vaguely referenced in the bill. Those voting on the bill do not realize the harsh restrictions that may be placed on the dedicated hobby breeder.
- ✧ **The substandard kennel conditions these bills attempt to address is not a legislative problem. They are a problem with a lack in enforcement of existing law.**

